

**GOVERNMENT OF ANDHRA PRADESH**

**ABSTRACT**

The A.P. Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug Offenders, Goondas, Immoral Traffic Offenders and Land Grabbers Act, 1986 ( Act No.1 of 1986) – Order of detention passed by the Collector & District Magistrate, West Godavari District, Eluru against Sri Sayed Sayed Baji @ Gandhi, S/o. Khadar Valli, aged 43 years R/o. Koyyalagudem (V) & (M), West Godavari District – Representation – Rejected.

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**GENERAL ADMINISTRATION (LAW AND ORDER.II) DEPARTMENT**

**G.O.Rt.No. 5209**

**Dated:28.11.2013**

**Read the following:-**

1.Order of detention in Procdgs.Rc.No.69/2013/A4, Dt: 18.03.2013 of the Collector

& District Magistrate, West Godavari District, Eluru.

2.G.O.Rt.No.1413,G.A. (L&O-II) Dept., dt.23-3-2013.

3.G.O.Rt.No.1869,G.A. (L&O-II) Dept.,dt.26-4-2013.

4.Representation of Smt. Syed Sabber, wife of the Detenu, Syed Syed Baji @ Gandhi

Dated:Nil.

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**ORDER:**

In the reference first read above, the Collector & District Magistrate, West Godavari District, Eluru has passed detention order against Sri Sayed Sayed Baji @ Gandhi, S/o. Khadar Valli, aged 43 years, R/o. Koyyalagudem (V) & (M), West Godavari District, under Act No.1 of 1986, for repeatedly indulging in illegal bootlegging activities of clandestine purchase, possession, sale and transportation of I.D. liquor in contravention of Sec.7-A r/w 8(e) of A.P. Prohibition (Amended) Act, 1997 and the said illegal activities are affecting the public at large, and creating a feeling of insecurity, danger to the life and health of the public at large and to prevent him from acting further in such activities, which are prejudicial to the maintenance of Public order. In the G.Os second and third read above, Government have approved and confirmed the said order of detention, passed by the detaining authority, duly following the provisions laid down under Act 1 of 1986.

2. In the reference 4<sup>th</sup> read above, Sayed Sabber, wife of the detenu has made a representation to the Government contending, inter alia, that no valid grounds are assigned by the detaining authority for detention of her husband; that the cases registered against her husband are still pending adjudication and that the detaining authority has no power to order the detention for a period of one year straight away and that the said detention is illegal; that the detention orders are passed in mechanical manner on irrelevant and non-existing grounds and that the same are invalid and liable to be quashed and requested for release of her husband.

3. The representation has been examined, and it is observed that the detaining authority i.e. the Collector & District Magistrate, West Godavari has passed the detention order against the detenu, duly considering the involvement of the detenu repeatedly in the incidents referred to in the grounds of detention; that the petitioner has not disputed the number of cases and the nature of offences involved by the detenu. The detaining Authority has reported that the detenu indulged in the dangerous activities of sale, possession and transportation of ID liquor which is harmful and causing nuisance to the society and even after booking (5) cases, there

was no change in his behavior and having felt that unless he is detained under P.D. Act, his illegal activities cannot be

*Contd...*

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stopped, has passed detention orders against him by invoking the provisions under Act 1 of 1986. It was further reported by the detaining authority that in two cases out of (5) cases, the detenu was caught red handed and the ID liquor seized in these cases was analyzed by the Chemical Examiner and reported that the contraband contains fusel oil and it is acidic in nature which would definitely cause harm to public health, creating a feeling of insecurity among the public, thus affecting the maintenance of public order. As per Section 12 (1) of the Act, in any case where the Advisory Board has reported that there is, in its opinion, sufficient cause for the detention of a person, the Government may confirm the detention order and continue the detention of the person concerned for such a period not exceeding the maximum period specified in Section 13 as they think fit. Section 13 of the said Act provides that, the maximum period for which any person may be detained, in pursuance of Section 12, shall be 12 months from the date of detention. In this case, based on the opinion of the Advisory Board, Govt., ordered for detention of the detenu for period of (12) months. As such, the representation is devoid of merits and the same is liable for rejection.

4. Accordingly, Government hereby reject the representation of Smt. Syed Sabber, wife of the detenu, Sri Syed Syed Baji @ Gandhi , for revocation of the detention order passed against her husband.

**(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)**

**Dr.P.K.MOHANTY  
CHIEF SECRETARY TO GOVERNMENT**

To  
Smt. Sayed Sabber, w/o. Sayed Sayed Baji @ Gandhi R/o. Koyyalagudem (V) & (M),  
West Godavari District.

**Copy to-**

The Superintendent, Central Prison, Rajahmundry, E.G. District

(with instructions to serve the order on the detenu immediately under proper acknowledgement and arrange to read over and explain the contents therein to the detenu in the language known to him and report compliance to Government).

The Collector and District Magistrate, W.G District, Eluru.

The Prohibition & Excise Superintendent, Eluru, West Godavari District.  
SF/SC

**//FORWARDED::BY ORDER//**

**SECTION OFFICER (SC) (FAC)**